

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN GALLAGHER	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 12-3840
ROBERT GREEN, ET AL.	:	

ORDER

AND NOW, this 2nd day of October, 2014, upon consideration of the Parx Defendants' Motion to Dismiss Plaintiff's Second Amended Complaint (ECF No. 22), and the Commonwealth Defendants' Partial Motion to Dismiss Second Amended Complaint (ECF No. 23), and all papers submitted in support thereof and in opposition thereto, it is **ORDERED** as follows:

A. The Parx Defendants' Motion to Dismiss (ECF No. 22) is **GRANTED** in part and **DENIED** in part, as follows:

1. Defendants' request to dismiss all claims against Defendants Hogwood and Green is **GRANTED**.
2. Defendants' request to dismiss Count I (civil rights claims) against the Defendants Baxter, Norcutt, and Doe is **DENIED**.
3. Defendants' request to dismiss Count I (civil rights claims) against Defendants Bensalem Racing, Keystone Turf Club, Greenwood Gaming, and Greenwood Racing is **GRANTED**.
4. Defendants' request to dismiss Count III (assault and battery) is **DENIED**.
5. Defendants' request to dismiss Count IV (illegal search and illegal strip search) is **GRANTED**.

6. Defendants' request to dismiss Count VI (malicious prosecution) is
GRANTED.

7. Defendants' request to dismiss Count VII (punitive damages) is **DENIED.**

B. The Commonwealth Defendants' Partial Motion to Dismiss (ECF No. 23) is
GRANTED. Count II will be dismissed against Defendant Pawlowski. Counts
III, IV, V, and VI will be dismissed against Defendants Armstrong, Burnett, and
Pawlowski.

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. Surrick', is written over a faint horizontal line.

R. BARCLAY SURRICK, J.